

Appl. No. 09/756,052
Response to March 15, 2004 Non-Final Office action

REMARKS/ARGUMENTS

Claims 1, 2, 4, 5, 8, 9, 11, 12, 15, 21, 23, 25-30, 32, and 33 are pending. Claims 1, 8, 15, 21, and 29 have been amended to more particularly point out the subject matter of the claims. No claims have been added, canceled, or withdrawn. In view of the following arguments, withdrawal of all outstanding objections and rejections to the pending claims is respectfully requested.

Non-Statutory Claim Objections

Claims 1, 8, 15, and 21 stand objected to by the Examiner (no statutory basis for this rejection was provided by the Action). This rejection is traversed.

A fundamental principle contained in 35 U.S.C. 112, is that an Examiner "should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement". (See, MPEP §2173.02).

The Action at page 2 objects to claims 1, 8, 15, and 21. For instance, claims 1, 8, and 15 are objected to because of what the Action asserts is "improper use of English language". More specifically, the Action referring to claims 1, 8 and 15, asserts that respective terms "of", "coupled to", and "to" should be changed respectively to "in", "stored in", and "in". Applicant disagrees. Even though claims 1, 8, 15, and 21 have been amended resulting in change to some terminology, the original language and punctuation (or lack thereof) used in the objected to claims satisfied or satisfies the statutory requirements, and has been selected to particularly point out and claim the subject matter of the invention.

Appl. No. 09/756,052

Response to March 15, 2004 Non-Final Office action

For these reasons, the Office should not insist on its own preferences when other modes of expression selected by Applicant are appropriate. Accordingly, withdrawal of the objection to claims 1, 8, 15, and 21 is requested.

Claim Rejections Under 35 USC §112

Claims 1, 8, 15, 21, and 29 stand rejected under 35 USC §112, second paragraph as being indefinite. Claims 1, 8, 15, and 21 have been amended to more particularly point out the subject matter of the invention. These amendments address these 35 USC §112, second paragraph rejections. In view of these amendment, withdrawal of the 35 USC §112, second paragraph rejections of claims 1, 8, 15, 21, and 29 is respectfully requested.

Claim Rejections Under 35 USC §103(a)

Claims 1, 2, 4, 5, 8, 8, 11, 12, 15, 21, 23, 25-30, 32, and 33 stand rejected under 35 USC §103(a) as being unpatentable over Stuart, in view of Spanbauer, in view of published EP Patent Application No. 01109486.9 published as EP 1,150,207 for inventors Suzuki et al ("Suzuki"), and further in view of Miller et al. This rejection is traversed.

As a preliminary matter, reasons why the reference group of Stuart, in view of Spanbauer, in view of Suzuki do not teach or suggest the features of claims 1, 2, 4, 5, 8, 8, 11, 12, 15, 21, 23, 25-30, 32, and 33 were already presented in the response filed on 11/11/03. Those arguments are not repeated verbatim herein but are incorporated by reference. The Office is urged to reconsider those arguments in view of the following additional arguments which clearly shown that the

Appl. No. 09/756,052
Response to March 15, 2004 Non-Final Office action

addition of Miller to the above cited combination does not cure the already discussed deficiencies of the reference group.

Nether *Stuart, Spanbauer, Suzuki, and/or Miller* disclose a method as recited in independent Claim 1 that includes “assigning each of a plurality of data files to one of a plurality of specific corresponding downloadable file groups”, “generating processed images and a listing of unique identifiers as follows: for each downloadable file group: compressing together data files assigned to the downloadable file group to form one processed image of the processed images; and deriving a unique identifier of the unique identifiers for the one processed image, the unique identifier being derived as a function of a portion of the one processed image”, “storing the processed images and the listing of unique identifiers to a source device”, “comparing the listing of unique identifiers with a current listing of unique identifiers in a client device”, and “selectively sending processed images from the source device whose unique identifiers appear in the listing of unique identifiers but not in the current listing of unique identifiers in the client device”.

More particularly, the cited references fail to disclose or even reasonably suggest “deriving a unique identifier of the unique identifiers for the one processed image, the unique identifier being derived as a function a portion of the one processed image”. The Office Action admits at page 7 of the Action that this is not taught by *Stuart, Spanbauer, and/or Suzuki*. Instead, the Office Action points *Miller* to as allegedly teaching this part of the claimed method.

Here is the cited paragraph from *Miller*: “Content derived names are computed by hashing the contents of Tcl package using a secure hash such as MD5 [6] or SHA-1 [1]” [...] It is a simple manner for a Tcl file to recomputed the

Appl. No. 09/756,052
 Response to March 15, 2004 Non-Final Office action

hash value before importing a file, guaranteeing that the application is indeed using the appropriate file.” Notice that *Miller*, an isolated disclosure that is not even concerned with incremental updates, only describing a technique to derive file names by hashing contents of an *entire Tcl package*. Use of an entire package to derive a file name does not teach or suggest “the unique identifier being derived as a function of a portion of the one processed image”, as Applicant claims. By definition, “a portion” means less than or equal to a whole. Thus, the features of claim 1 do not rely on an entire set of compressed images to generate a unique identifier. In comparison, *Miller* only describes generating file names by hashing the entire contents of a package. Thus, the method in Claim 1 is clearly patentable over *Stuart*, *Spanbauer*, *Suzuki*, and/or *Miller*, as are Claims 2, 4 and 25, which depend therefrom and recite further limitations.

Independent Claim 8 is directed towards a computer-readable medium having computer-executable instructions for causing at least one processing unit to perform certain acts. The acts include “assigning each of a plurality of data files to one of a plurality of specific corresponding downloadable file groups”, “generating processed images and a listing of unique identifiers as follows: for each downloadable file group, compressing together data files assigned to the file group to form a respective processed image of the processed images for the downloadable file group”, “deriving a unique identifier of the unique identifiers for the respective processed image, the unique identifier being derived as a function of one or more portions of the processed image”, and “storing the processed images and the listing of unique identifiers to a source device”. Additional acts include “comparing the listing of unique identifiers with a current listing of unique identifiers of in a client device”, and “selectively sending

Appl. No. 09/756,052
Response to March 15, 2004 Non-Final Office action

processed images from the source device whose unique identifiers appear in the listing of unique identifiers but not in the current listing of unique identifiers in the client device.”

The exemplary arguments stated above with regard to Claim 1 are also applicable to Claim 8. Thus, the computer-readable medium in Claim 8 is clearly patentable over *Stuart, Spanbauer, Suzuki et al.*, and/or *Miller*, as are Claims 9, 11, 12 and 26, which depend therefrom and recite further limitations.

Independent Claim 15 is directed towards an apparatus that includes memory and logic. The logic is operatively configured to assign each of a plurality of data files to one of a plurality of specific corresponding downloadable file groups, and for each downloadable file group compress together all assigned data files to form one processed image for the downloadable file group. The logic also derives a unique identifier for the processed image using a portion of the processed image and stores the processed images and a listing of unique identifiers to the memory. The logic is also configured to compare the listing of unique identifiers with a current listing of unique identifiers in a client device to identify processed images that need to be provided to the client device.

The exemplary arguments stated above with regard to Claim 1 are also applicable to Claim 15. Thus, the apparatus in Claim 15 is clearly patentable over *Stuart, Spanbauer, Suzuki et al.*, and/or *Miller*, as is Claim 27, which depends therefrom and recites further limitations.

Independent Claim 21 is directed towards a system that includes a network, a server device and a client device. The server device is configured

Appl. No. 09/756,052
Response to March 15, 2004 Non-Final Office action

to assign each of a plurality of server-based data files to one of a plurality of specific corresponding server-based downloadable file groups, and for each server-based downloadable file group compress together all assigned data files to form one processed image for the server-based downloadable file group. The server device is also configured to derive a unique identifier for the processed image using a portion of the processed image. The server device can also selectively output the processed images and a latest listing of unique identifiers over the network. The client device, which communicates with the server device through the network, is configured to maintain a listing of unique identifiers associated with processed images stored locally within the client device and to compare the listing of unique identifiers with a downloaded latest listing of unique identifiers from the server device, and selectively download processed images whose unique identifiers appears in the latest listing of unique identifiers from the server device but not in the listing of unique identifiers in client device.

The exemplary arguments stated above with regard to Claim 1 are also applicable to Claim 21. Thus, the system in Claim 8 is clearly patentable over *Stuart, Spanbauer, Suzuki et al.*, and/or *Miller*, as are Claims 23 and 28, which depend therefrom and recite further limitations.

A computer-readable medium is recited in Claim 29 as having computer-executable instructions for causing at least one processing unit to perform acts that include assigning each of a plurality of data files to one of a plurality of specific corresponding downloadable file groups, for each downloadable file group, compressing together all assigned data files to form one processed image for the downloadable file group, and deriving a unique

Appl. No. 09/756,052
Response to March 15, 2004 Non-Final Office action

identifier for the processed image using a portion of the processed image. Additional acts include generating a listing of unique identifiers and storing the processed images and the listing of unique identifiers within a source device.

The exemplary arguments stated above with regard to Claim 1 are also applicable to Claim 29. Thus, the computer-readable medium in Claim 29 is clearly patentable over *Stuart*, *Spanbauer*, *Suzuki et al.*, and/or *Miller*, as are Claims 30, 32 and 33, which depend therefrom and recite further limitations.

Appl. No. 09/756,052

Response to March 15, 2004 Non-Final Office action

Conclusion

Claims 1, 2, 4, 5, 8, 9, 11, 12, 15, 21, 23, 25-30, 32, and 33 are in condition for allowance and action to that end is respectfully requested. Should any issue remain that prevents allowance of the application, the Office is encouraged to contact the undersigned prior or issuance of a subsequent Office action.

Respectfully Submitted,

Dated: 7/14/04By: 

Brian G. Hart

Reg. No. 44, 421

(303) 539-0265 x 241